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CAPE COD
COMMISSION

Minutes

Meeting of Cape Cod Commission

January 30, 2014

The meeting was convened at 3:00 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Michael Blanton	Absent
Brewster	Elizabeth Taylor	✓
Chatham	Vacant	Vacant
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Andrew Putnam	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Leonard Short	Absent
Provincetown	Austin Knight	✓
Sandwich	Harold Mitchell	✓
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	Absent
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	✓
Native American Rep.	Vacant	Vacant
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, January 30, 2014 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ SUMMARY OF ACTIONS TAKEN/VOTES:

Bridges at Mashpee

The Cape Cod Commission conducted a public hearing on the Bridges at Mashpee project. After closing the hearing and the record, the Commission approved the Bridges at Mashpee project as a Development of Regional Impact (DRI) and approved the written decision, as conditioned, with a unanimous vote.

Area-wide 208 Water Quality Management Plan Update

PowerPoint slide presentation update and discussion on the 208 Water Quality Management Plan process.

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Paul Niedzwiecki said on February 6 the Commission would be holding a Stakeholders Summit that will focus on the 208 Water Quality Management Plan Update. He said Commission members would be hearing more about that from Erin Perry who will be giving an update on the 208 Planning process at today's meeting. He said they have 266 people registered to attend the Stakeholder Summit and Commission members interested in attending should sign up soon. He said the Commission has been working closely with Falmouth on its Comprehensive Wastewater Management Plan (CWMP). He said the Secretary of the Executive Office of Energy and Environmental Affairs (EEOEA) has issued a certificate on the project and the Commission is ready to begin the process. He said he met with the Yarmouth Board of Selectmen recently to talk about wastewater, on January 17 he met with the Regulatory Institutional Group, and on January 21 he met with the 208 Advisory Committee.

■ BRIDGES AT MASHPEE TR13015

Andrew Putnam read the hearing notice and opened the hearing at 3:05 p.m.

The subcommittee reviewed the minutes of the December 10, 2013 public hearing. Andrew Putnam moved to approve the minutes. Richard Roy seconded the motion. The motion passed with a unanimous vote.

Ted Tye, managing partner of National Development (ND) Associates, acknowledged both the subcommittee and Commission staff and said he appreciates their work on the project. He gave a broad overview of the project and said ND Associates is based in Newton, MA, they have been in business for 30 years, and as the largest developer of senior housing, they have been pioneers in the business. He said the proposed project is a joint venture with EPOCH Senior Living. He referred to site plans showing the location of the proposed project and said the project is a memory care living facility and the site is ideal for the project. He said the project encompasses five acres of the 24 +/- acre site and the remaining 19 acres, not used for development, would be placed under a Conservation Restriction to remain as permanent open space. He said the project is a 54-unit memory care assisted living residential development that will contain a total of 60 beds and it will be grouped into three household wings in a single story. He said the residents will not have cars and it will be a very low traffic use. He said the wastewater treatment system will be on-site, it will be a "green" project and it will be LEED certifiable. He said the project will create jobs and serves a great need in the community. He said it will be located close to the Mashpee High School and it will provide educational and employment opportunities to high school students as well.

Jon Idman, Chief Regulatory Officer at the Commission, said he served as project manager for the project and he would be providing an overview of the high points of the project. He said in regard to economic development Mashpee does not have a Land Use Vision Map (LUVV) and the proposed project must meet MPS ED1.3 waiver criteria. He said \$22,000 would be going to the Mashpee Historical Commission to further the preservation and protection of historic properties in town. He said in regard to open space 19 acres would be permanently protected which is well over what is required in the Commission's Regional Policy Plan (RPP). He said in regard to water resources \$23,000 would be going to the town for nitrogen loading efforts in Waquoit Bay. He said the

54-unit facility is proposing an Amphidrome septic system designed to achieve nitrogen effluent concentrations less than 5 mg/L. He said the applicant has submitted an Operations Monitoring and Compliance agreement and a final agreement would need to be submitted before a Certificate of Compliance is issued. He said in regard to transportation \$108,000 would be going to congestion mitigation measures in town. He said safety improvements and a Trip Demand Management Plan are also being proposed. He said in regard to affordable housing the proposed project meets the required 10% calculated to be six affordable beds. Mr. Idman said the subcommittee's findings of project benefits include proposed energy efficiency measures, the building design itself, the site design minimizes impervious areas, and they felt that this type of use was serving an under-population and is being used 100% for that use. Mr. Idman said Best Development Practices (BDPs) that were found to be project benefits include proposed rental of affordable housing units, a 21E Phase I site assessment was provided by the applicant, the applicant is proposing alternative travel methods, and the applicant is proposing transportation measures over and above what is required in the RPP.

Elizabeth Taylor asked how close the parcel is in relation to the wellhead.

Theo Kindermans, Landscape Architect with STANTEC, referred to the site plan showing the parcel and said it falls in between the wellheads in the Zone I area.

Elizabeth Taylor inquired about the language for open space in regard to agricultural uses and questioned whether that would be a problem because of its close proximity to the wellhead.

Jon Idman said the Commission encourages agriculture in open space. He said it would be appropriate in this area. He also noted that there would be a Conservation Restriction on the remaining undeveloped acres of land.

Elizabeth Taylor inquired about a holder for the Conservation Restriction.

Jon Idman said he is not sure about a holder at this point. He said the town is comfortable with this.

John Harris asked if there would be sidewalks to Route 151.

Ted Tye said, yes, sidewalks would extend to Route 151 with crossing at the light.

Kevin Grunwald inquired about a strong demand and the needs assessment that was done. He inquired about the length of time that they expect to fill beds.

Ted Tye said there is some memory care assisted living on the Cape but all their numbers show a demand in this area. He referred to a project in Hingham and said it took nine months to fill beds. He said they look to projections of 15 months to fill beds so they are ahead of that in Hingham. He said he believes that will be the case here as affordable units fill quickly.

Kevin Grunwald asked if affordable units would be under 80% of median income.

Ted Tye said yes.

Paul Ruchinskas, Affordable Housing Specialist at the Commission, said income eligibility would be 80% below.

Kevin Grunwald asked if fees would be 75% of what rates would be. He asked if companion units are affordable and what the fee would be.

Ted Tye said it would be the same fee and one would be compatible.

Joy Brookshire asked how the staffing differs from a nursing home. She inquired about security.

Ted Tye said staff is trained for memory care. He said the facility would be staffed 24 hours a day. He said residents are generally very able and it's more assistance in living as opposed to medical. He talked about the structure of the building and common areas for residents. Mr. Tye explained the type of security system and said each household is secure. He said it requires someone coding out by a staff member and anyone outside the area is supervised.

David Wieden, member of Mashpee Wampanoag tribe, asked if any archaeological studies had been done. He said MHC signed off on it but they don't always agree with their sensitivity levels. He said the tribe is concerned about the Quashnet River area as a sacred area.

Ted Tye said the Massachusetts Historical Commission (MHC) determined that it was unlikely based on a detailed archaeological study that was done. He said a survey had been done previously under State Archaeologist's Permit #2100 issued by MHC. He referred to a letter from the Public Archaeology Laboratory which outlines the fieldwork portion of the intensive survey that was conducted. He said the letter indicates that it began with a walkover survey of the project parcel which was designed to refine the preliminary archaeological sensitivity assessment, look for surface indications of archaeological sites, and select specific locations for subsurface testing. He said the walkover survey determined that the entire project impact area is located on a level, wooded plot of land and no indications of prehistoric or historic period resources such as artifact scatters, stone walls, depressions, or orchards was noted in the project area or in the immediate vicinity. Mr. Tye said it was well surveyed and nothing was found.

Austin Knight inquired about partners/companions when one has a memory challenge. He said if something were to happen to the partner with a memory challenge, what happens to the other.

Ted Tye said that partner would live somewhere else in the Bridges community. He said more commonly the partner without a memory challenge would live in a different part of the building.

Ernest Virgilio asked if local contractors would be hired to do the construction.

Ted Tye said they have a general contractor who manages the construction and he would find subcontractors in the area of the construction. He said they try to use as many local contractors as possible.

Royden Richardson inquired about age requirements. He asked if any Mass Health funding was connected with the project.

Ted Tye said they haven't gone through the local process yet but they are probably looking at age 62 and above. He said they haven't addressed that yet with the Town of Mashpee so there is no age restriction as yet. He said there is no Mass Health funding connected with the project.

Austin Knight moved to close the hearing and the record. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

Harold Mitchell moved to adopt the draft written decision and approve the project as conditioned in the decision. Elizabeth Taylor seconded the motion. The motion passed with a unanimous vote.

■ **AREA-WIDE 208 WATER QUALITY MANAGEMENT PLAN UPDATE**

Erin Perry, Special Projects Coordinator at the Commission, said the Commission was given a complete update on the 208 planning process in October and her update today would focus on what has happened since October. She referred to PowerPoint slides and explained the technologies matrix that had been reviewed by the Technology Panel and said it was presented and discussed at the Stakeholder Meeting 2. She said a Cape-wide meeting was held on November 13 to discuss the stakeholder process and the two Community PlanIt Games and

approximately 120 people were in attendance. She said the Stakeholder Meeting 3 was divided into two teams and the focus was on a traditional approach and a non-traditional approach and she went on to describe each approach. She said the Commission has released a new website CCH20.org. She said the new website is intended to be used as a tool to help educate the public on the wastewater problem. She said it will also provide the Commission with information during the 208 planning process. She said the first page of the website provides information on the problem, on the second page people can type in their name and what watershed they are in, and third page provides solutions at the homeowner level and at the community level. She said the next step in the process is to move into sub-regional discussions. She said on February 6 the Commission will be holding a Stakeholder Summit from 8:00 am to 2:00 pm at the Cape Cod Resort and Conference Center in Hyannis. She said following the Summit they will have three more rounds of sub-regional stakeholder meetings from February to April and a Draft Plan is due at the DEP on June 1st.

Roger Putnam inquired about a permeable reactive barrier (PRB) and how it's used.

Erin Perry said it intercepts groundwater and denitrifies contaminants. She said injection wells inject oil or carbon that intercepts groundwater and denitrifies contaminants.

Elizabeth Taylor asked if Falmouth is using a woodchip barrier or just oil.

Erin Perry said she believes they are using woodchips.

Paul Niedzwiecki said Falmouth's PRB is underway and they are working on how deep and how wide it should be. He said Falmouth is testing this and they probably need about \$100,000 to continue working on that. He said Falmouth has five different pilot programs and the Commission is trying to get as much information on that. He said the Commission is engaged in following and keeping a close watch on all of that.

Elizabeth Taylor said she would be interested in the Commission getting involved with roadways around the Pleasant Bay area as a pilot program and inquired about monitoring.

Paul Niedzwiecki said with every technology they are looking at they are looking at monitoring programs as well. He said the State has been supportive in the process. He said a lot of eyes are on the Commission. He said this has never been done before; this is a first.

Elizabeth Taylor said it's important that towns realize no matter what they do to the source it's already on the way. She said it's critical that we use a PRB or aquaculture.

Paul Niedzwiecki said a lot has been done with aquaculture and said Wellfleet has been doing an oyster study.

Mary Pat Flynn referred to a PRB in Falmouth and said the Waquoit Bay National Estuarine Research Reserve (WBNERR) has been looking at this for 10 years. She said people should look to WBNERR for information. She said each of the ponds in Falmouth is being looked at with different types of alternatives. She said these projects have been approved at Town Meeting by almost a unanimous vote. She said it's important to inform citizens so that they know what they are voting on. She thanked the Commission for all their support.

Paul Niedzwiecki said the Commission was designated last January to start the plan and they have already made progress on that. He said the Commission has a Cape-wide Fertilizer DCPC. He said the process has the potential to save billions of dollars for the Cape.

Roger Putnam said he is impressed with what he has seen and said Wellfleet is extremely interested in this. He asked about monitoring of PRBs.

Paul Niedzwiecki said PRBs are one of the more straight forward measurements to make; it's one of the easier challenges.

Elizabeth Taylor inquired about the Fertilizer DCPC.

Paul Niedzwiecki said the Commission was expecting regulations last April and they are still waiting on that. He said the Commission received an extension of time for compliance. He said they don't have to go through Boards of Health; they can go through Town Meeting or Boards of Selectmen.

Elizabeth Taylor said she hopes everyone reads the report and said each town should have a Board of Health or local bylaw regarding this.

Paul Niedzwiecki thanked Erin Perry for all her work on the 208 planning process.

■ OTHER BUSINESS

Ernest Virgilio thanked Commission members and staff for their thoughtfulness during his absence.

Paul Niedzwiecki introduced new Commission staff Jennifer Clinton, Special Projects Coordinator, and Garry Meus, Regulatory Officer.

Kevin Grunwald, newly appointed Truro Representative to the Commission, introduced himself and said he has been coming to the Cape for 50 years and in May he moved to the Cape fulltime from Connecticut. He said he has a background in social work and he is currently working for the Town of Harwich as the Social Services Coordinator. He said he is happy to be a member of the Commission.

Austin Knight thanked Commission Counsel for providing him with language that he can give to the Provincetown Board of Selectmen regarding the Communications Policy and his ability to comment on a project at this time.

A motion was made to adjourn at 4:45 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Andrew Putnam, Secretary

List of Documents Presented at the January 30, 2014 Commission Meeting

- Handout material: January 30, 2014 Commission meeting agenda.
- Handout material: Bridges at Mashpee draft written decision.
- Materials presented: Letter from the Public Archaeology Laboratory regarding a survey conducted under State Archaeologist's Permit #2100 issued by the Massachusetts Historical Commission.
- Materials presented: PowerPoint slide presentation on the Cape Cod 208 Wastewater Management Plan Update prepared by Commission Staff.